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21 Attorneys for Plaintiffs  
22 CORY SPENCER, DIANA MILENA  
23 REED, and COASTAL PROTECTION  
24 RANGERS, INC.

25 **UNITED STATES DISTRICT COURT**  
26 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

27 CORY SPENCER, an individual;  
28 DIANA MILENA REED, an  
individual; and COASTAL  
PROTECTION RANGERS, INC., a  
California non-profit public benefit  
corporation,

Plaintiffs.

CASE NO. 2:16-cv-02129-SJO (RAOx)  
**DECLARATION OF VICTOR OTTEN  
RE: DISCOVERY TELEPHONE  
CONFERENCE REQUESTED BY  
DEFENDANT BLAKEMAN**

1  
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v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
not limited to SANG LEE, BRANT  
BLAKEMAN, ALAN JOHNSTON  
6 AKA JALIAN JOHNSTON,  
MICHAEL RAE PAPAYANS,  
7 ANGELO FERRARA, FRANK  
FERRARA, CHARLIE FERRARA,  
9 and N. F.; CITY OF PALOS  
10 VERDES ESTATES; CHIEF OF  
POLICE JEFF KEPLEY, in his  
11 representative capacity; and DOES  
1-10,  
12

13 Defendants.

14

15 I, VICTOR OTTEN, declare as follows:

16 1. I am attorney licensed to practice under the laws of the State of  
17 California and am duly admitted to practice before this court. I am an  
18 attorney of record for Plaintiffs Cory Spencer, Diana Milena Reed, and the  
19 Coastal Protection Rangers, Inc. I have personal knowledge of the facts set  
20 forth herein, and if called as a witness, I could and would competently testify  
21 to the matters stated herein.

22 2. This is a hearing that probably could have been avoided. It  
23 certainly could have waited until next week; as demonstrated in Plaintiffs'  
24 attempt to meet and confer, I was set to start a jury trial, Mr. Blakeman has  
25 not been prejudiced and we have tried to be accommodating. Attempting to  
26 avoid another court hearing, early this week I wrote to Mr. Blakeman's  
27 counsel:  
28

Mr. Worgul,

I have reviewed the order and agree Plaintiffs **agree** to address the deficiencies in the responses. We will serve the revised discovery responses **before** Friday. **You can certainly set a date/time with the Magistrate so that it is available in the event that you have any problems with our revised responses**, and also because we would like to address Mr. Blakeman's response to Plaintiffs' interrogatory requesting his telephone number (Samantha emailed you about this yesterday). **I am starting a jury trial tomorrow** in Torrance so my availability for a for a telephonic hearing on Friday at 2:00 PM is questionable. Should my case not proceed to trial, that time will work but I am told that it is starting. **In that case, anytime next week during the lunch hours of 12:00-1:30.**

Thanks,

Vic

(emphasis added)

21           3. Attached as Exhibit "1" to this declaration are the various emails  
22 detailing the meet and confers regarding the discovery issues should the  
23 Court want to read them. The major issues are set forth below.

24       4. Witness information. The attorneys for Mr. Blakeman argue that  
25 the Court's order, among other things, requires the following: "Plaintiffs are  
26 ordered to identify witnesses in response to Interrogatory Numbers 1  
27 through 12. For each interrogatory, Plaintiffs shall identify the responsive  
28 witnesses by name. For each witness, Plaintiffs shall specify whether that

1 witness is represented by Plaintiffs' counsel, or, if Plaintiffs know, by other  
2 counsel. For each witness, Plaintiffs shall provide contact information for that  
3 witness or state unambiguously that Plaintiffs do not have contact  
4 information for that witness."

5 The interrogatory responses clearly identified which witnesses were  
6 represented by Hanson Bridgett LLP and Otten Law PC: Chris Taloa, Chris  
7 Claypool, Ken Claypool, Geoff Hagins, Jordan Wright, Jason Gersch and  
8 John MacHarg. All have agreed to let our offices accept service of process  
9 on their behalf, as we have advised counsel for Mr. Blakeman.

10 5. In reviewing the responses that we provided as part of the meet  
11 and confer process, there were additional witnesses who plaintiffs identified  
12 but did not provide contact information for. This was an oversight on my part  
13 which has now been remedied. As we obtained additional information since  
14 the original responses were served, we included that information in the  
15 supplemental responses even though not required by the Court's Order.  
16 This information consisted primarily of names of people included in email or  
17 phone communications of other defendants that surf Lunada Bay that was  
18 obtained in discovery from other defendants.

19 6. Mr. Worgul also raised problems with Plaintiffs' responses to  
20 Requests for Production of Documents. As mentioned in my email from  
21 Tuesday, I agreed with many of his issues and agreed to address them  
22 immediately. The main issue: "plaintiffs shall provide bates number ranges  
23 or otherwise identify with particularity the documents that are responsive to  
24 that request, including any documents that may have already been produced  
25 to Defendant." I believe that this issue has been resolved except for  
26 identifying which of Defendant Alan Johnston's phone records support  
27 Plaintiffs' responses. However, Plaintiffs are unable to provide the specific  
28 page numbers of relevant phone records because Mr. Blakeman's attorneys

1 are refusing to turn over their client's cell phone number, claiming it is  
 2 privileged under the California Constitution. While Plaintiffs have strong  
 3 reason to believe that Defendants Blakeman and Johnston have been in  
 4 contact, without Defendant Blakeman's cell phone number Plaintiffs are  
 5 unable to provide the specific entries in Defendant Johnston's phone records  
 6 that reference Defendant Blakeman.<sup>1</sup> Accordingly, Plaintiffs cannot comply  
 7 with Defendant Blakeman's request unless and until he provides his cell  
 8 phone number. Attached as Exhibit "2" to this declaration are the various  
 9 emails detailing the attempt to meet and confer over the issue of Mr.  
 10 Blakeman's phone number.

11       7. So there is no doubt that Plaintiffs' responses are now complete,  
 12 attached as Exhibits "3" and "4", are Plaintiffs' Supplemental Responses to  
 13 Interrogatories and Request for Production of Documents, which I served  
 14 electronically late Thursday, March 2, 2017.

15       8. Finally, Plaintiffs have now served Supplemental Disclosures  
 16 which are attached as Exhibit "5".

17       I declare under penalty of perjury under the laws of the State of  
 18 California that the foregoing is true and correct. Executed March 2, 2017, in  
 19 Torrance, California.

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23       1 Mr. Blakeman was asked at his deposition to state his cell phone number  
 24 and he indicated that he had difficulty remembering it. He provided what he  
 25 believed to be his number, but was unsure. Notably, his attorneys did not  
 26 object to this question. Mr. Blakeman's phone number also appears in co-  
 27 Defendant Sang Lee's privilege log, though his number that appears in Mr.  
 28 Lee's privilege log differs by one digit from the number Mr. Blakeman  
 provided at his deposition. For this reason, Plaintiffs requested that Mr.  
 Blakeman provide his cell phone number, but to no avail.

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2 /s/ Victor Otten  
3 Victor Otten  
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